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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/662,037 09/12/2003		09/12/2003	Michael F. Guheen	8567.111USC1	9775	
22908	7590	10/18/2005	•	EXAMINER		
BANNER		•	DIXON, THOMAS A			
TEN SOUT		ER DRIVE	ART UNIT	PAPER NUMBER		
CHICAGO,	IL 60600	5	3639			

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date		Application No.	Applicant(s)				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply		10/662,037	GUHEEN ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Exhibitions for them shy to evalidate under the provision of 37 CRT 1/30(i), in ne overt, however, may a reply be triefly filed If NO period for reply is appecified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the maining date of this communication. Fashly to the United Six Set 7 CRT 1/30(i). Any reply received by the Office sixer than three months after the maining date of this communication, even if entity filed, may reduce they certified them adjustment. Set 37 CRT 1/30(ii). Status 1) □ Responsive to communication(s) filed on 21 July 2005. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 10-19 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5b □ Claim(s) 10-19 is/are allowed. 6b □ Claim(s) is/are objected to. 8b □ Claim(s) is/are objected to. 8b □ Claim(s) is/are objected to. 8c □ Claim(s) is/are objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 □ Acknowledgment is made of a claim for fo	Oπice Action Summary	Examiner	Art Unit				
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DETAILED ACTION

- 1. As per amendment of 9/26/05, Claims 1-9 are cancelled, leaving only claims 10-19, previously indicated allowable.
- 2. As per applicant's arguments regarding the acceptability of the IDS, the examiner not arguing that the references should not be considered, but that the new IDS procedure (for Image File Wrapper reasons) contains a requirement that NPL and Foreign references must be submitted.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claim 1 is rejected under the judicially created doctrine of double patenting over claim 1 of U. S. Patent No. 6,721,713 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter.

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Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Allowable Subject Matter

- 4. Claims 10-19 are allowable.
- 5. The following is a statement of reasons for the indication of allowable subject matter:

As per claims 10, and 19.

The prior art of record, specifically Butler in view of Hernandez, does not disclose or fairly teach:

identifying at least one alliance among a plurality of business entities in terms of components of a current network framework and

conveying the at least one alliance by indicia coding the components of the current network framework in which the at least one alliance exists.

The claims that depend from the above allowable claims are allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Dixon Primary Examiner Art Unit 3639

October 05